

***United States Court of Appeals
for the Second Circuit***



APPENDIX

74-2167

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

THERESE ROBERGE,
On behalf of herself,
her minor children and
all persons similarly
situated,
Plaintiff-Appellants

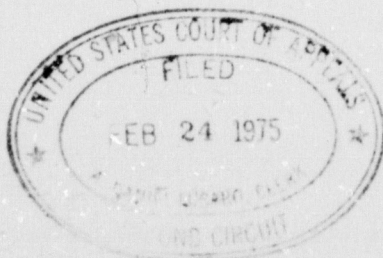
B
P/S

vs.

PAUL PHILBROOK,
Commissioner of
Social Welfare,
Defendant-Appellee

On Appeal from the United States District Court
for the District of Vermont

JOINT APPENDIX OF EXHIBITS



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PLAINTIFF'S EXHIBIT # 1

SOCIAL WELFARE

BULLETIN

No. 71-9

From J. W. Betit, Commissioner

Sub Series No.

Subject Final Regulations
AABD-ANFC, General Assistance

DATE 2/5/71

Manual reference(s)

Instructions

Disposition

Family Services Policy Manual

☒ Maintain Manual

☒ Destroy — Self-liquidating

☐ Other as noted

☐ Retain until superseded

☒ Supersedes No. 70-73, 70-98, 70-99

The following final regulations have been filed with the Secretary of State and are effective 3/1/71.

1. Revised AABD and ANFC standards.
2. Reduced waiting period - desertion or estrangement (ANFC).
3. Payment for Home Health Services as personal services.
4. General Assistance.

These regulations continue the emergency regulations filed effective 11/1/70. Publication and opportunity for hearing has been provided during the emergency period.

MANUAL HOLDERS - Maintain the manual assigned to you as follows:

Family Services Policy Manual

Pen-and-ink changes as follows:

Page	Change Effective Date		Change Bull. No.	
	From	To	From	To
2156.12-2156.2	11/1/70	3/1/71	70-99	71-9
2210-2211	11/1/70	3/1/71	70-98	71-9
2211.1	11/1/70	3/1/71	70-98	71-9
2211.2	11/1/70	3/1/71	70-98	71-9
2211.3	11/1/70	3/1/71	70-98	71-9
2211.31	11/1/70	3/1/71	70-98	71-9
2220	11/1/70	3/1/71	70-98	71-9
2221	11/1/70	3/1/71	70-98	71-9
2222	11/1/70	3/1/71	70-98	71-9
2223-2224	11/1/70	3/1/71	70-98	71-9
2225-2226	11/1/70	3/1/71	70-98	71-9
2232.1-2233	10/19/70	3/1/71	70-73	71-9
2240-2243	11/1/70	3/1/71	70-98	71-9
2244-2244.3	11/1/70	3/1/71	70-98	71-9
2254.3-2254.31	11/1/70	3/1/71	70-98	71-9
2254.32	11/1/70	3/1/71	70-98	71-9
2263.8-2263.9	11/1/70	3/1/71	70-98	71-9

- cont.-

<u>Page</u>	<u>Change Effective Date</u>		<u>Change Bull. No.</u>	
	<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
2330-2331.2	11/1/70	3/1/71	70-99	71-9
2331.21-2331.26	11/1/70	3/1/71	70-99	71-9
2600	11/1/70	3/1/71	70-99	71-9
2600 p.2	11/1/70	3/1/71	70-99	71-9
2601-2601.1	11/1/70	3/1/71	70-99	71-9
2601.2	11/1/70	3/1/71	70-99	71-9
2602	11/1/70	3/1/71	70-99	71-9
2610-2611	11/1/70	3/1/71	70-99	71-9
2612-2613	11/1/70	3/1/71	70-99	71-9
2613.2	11/1/70	3/1/71	70-99	71-9
2614-2616	11/1/70	3/1/71	70-99	71-9

JWB/hw

SOCIAL WELFARE

BULLETIN

No. 70-98

J. W. Betit, Commissioner.

Sub Series No. FS-68

Revised Standards (AABD and ANFC)

DATE 10/15/70

Reference(s)	Family Services Policy Manual	Instructions	Disposition
2210-2211.34			
2220-2226		<input type="checkbox"/> Maintain Manual	<input type="checkbox"/> Destroy — Self-liquidating
2240-2244			
2254.3-2254.32		<input type="checkbox"/> Other as noted	<input checked="" type="checkbox"/> Retain until superseded
2263.8		<input type="checkbox"/> Supersedes No.	

It has been policy to provide all ANFC recipients an 89.5% of basic needs payment standard in relation to the 100% of basic need eligibility standard while concurrently providing payment for special needs and exceptions above certain standards for only a portion of the caseload. Vermont Statutes Annotated 33, 2554 state, "Should the funds available for public assistance be insufficient to provide public assistance to all those eligible, the amounts for public assistance granted shall be reduced uniformly and equitably to all recipients in the state." (underscoring supplied). To provide greater uniformity and equitability in the act of reduction to remain within budgeted funds, effective November 1, 1970 certain ANFC special need items will be reduced at 100% ratable reduction and exceptions previously granted will be rescinded pending further notice. Concurrently, effective November 1, 1970, the ANFC basic need eligibility standard will be funded at 100%.

Effective November 1, 1970, the following ANFC special need items will be considered in determining eligibility but reduced 100% and the following items which have been authorized heretofore, in certain cases, as exceptions will be rescinded:

Special Needs

Exceptions

School allowances
Telephone
Life insurance premiums

1. Shelter
2. Home repairs
3. Appliances and equipment

The special need items directly related to individual requirements for MIN participation are added to the regulation for purposes of clarification.

The basic need eligibility standard for ANFC has been updated to meet 100% of budgeted need. In ANFC and AABD the full standard allowance for fuel and utilities is now included without pro-rata reduction based upon household size.

ANFC cases will be adjusted by a special desk review and appropriate changes made by the November 1, 1970 payroll. The deadline for completion of desk review is October 16, 1970.

All cases will be reviewed as soon as possible but adjustment should not be later than January 1, 1971. This Desk Review will cover only those situations where client is not living alone.

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In addition to the foregoing, by separate cover but as an essential and integral part of this overall change to the Family Services Policy Manual to take effect on September 1, 1970, General Assistance grants to categorical recipients will be available only in the event of a genuine and critical emergency such as may be created by a fire, flood, hurricane, death or other act of God which directly affected the applicant with some specifically described conditions under which exceptions shall be permitted by district directors.

The emergency regulation has been filed with the Secretary of State and is effective 1/70 for a period of 120 days, during which time publication of the proposed final rules and opportunity for hearing will be provided.

MANUAL HOLDERS - Maintain the manual(s) assigned to you as follows:

Family Services Policy Manual

Remove

0-2211 (T. Ltr. 588)
 1.1-2211.11 (T. Ltr. 561)
 1.2-2211.21 (Bull. 70-16)
 1.22 (Bull. 70-30)
 1.3-2211.31 (Bull. 70-80)
 1.33 (Bull. 70-80)
 1.34 (T. Ltr. 588)
 0-2221 (Bull. 69-131)
 2-2223 (Bull. 69-131)
 4-2226 (T. Ltr. 620)
 0-2244 (Bull. 70-62)
 4.3-2254.31 (Bull. 69-91)
 4.32 (Bull. 69-91)
 3.8-2263.9 (Bull. 69-120)

Insert

2210-2211 (Bull. 70-98)
 2211.1 (Bull. 70-98)
 2211.2 (Bull. 70-98)
 2211.3 (Bull. 70-98)
 2211.31 (Bull. 70-98)
 2220 (Bull. 70-98)
 2221 (Bull. 70-98)
 2222 (Bull. 70-98)
 2223-2224 (Bull. 70-98)
 2225-2226 (Bull. 70-98)
 2240-2243 (Bull. 70-98)
 2244-2244.3 (Bull. 70-98)
 2254.3-2254.31 (Bull. 70-98)
 2254.32 (Bull. 70-98)
 2263.8-2263.9 (Bull. 70-98)

B/BNS/hw

Attachments

Family Services Policy Manual

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2200-2299

Establishing Need

11/1/70

2210. Basic Requirements

Certain requirements, basic to all individuals, shall be accounted for in budgetary computation. These include:

1. Food
2. Clothing
3. Personal incidentals
4. Shelter
5. Fuel
6. Utilities
7. Chorn Service

Each of these basic requirements shall be accounted for in one of the following ways:

1. Using the standard allowances for the required item.
2. Indicating that the required item is available without monetary cost (e.g., food, shelter, etc. "furnished").
3. Indicating that the required item is included in the cost of another item (e.g., board and room, fuel and/or utilities included in rent, etc.).

Basic requirements are budgeted in each of the major living arrangements as indicated in the following sections.

2211. Need Standards - Household or Housing Unit

"Need" for eligibility and budgeting purposes shall be established according to the combined standard as set forth in sections 221§.1 and 221§.2 and special needs set forth in sections 2220-2240. Combined standards for all basic requirements of the AAED or ANFC Assistance Group, except shelter, are shown in the tables according to number on assistance and number in the household. When an item within the basic standard is furnished in full or in part, the value of that item is "broken out" using the appropriate furnished items table. Budgeting should always reflect the need of the client for a particular item. Where the district determines that the basic costs of fuel and utilities are shared, the pro-rata share is taken utilizing the furnished items table. If the arrangement is a board and room basis, budgeting shall be according to standards set forth in section 221.2.

In unusual circumstances the Commissioner, may make whatever modifications of the fuel, utility and shelter standards as he deems necessary for a particular case in the AAED program.

211. Need Standards - Household or Housing Unit - cont.2211.2. Combined Standards - ANFC

The following table contains the combined basic allowances in ANFC to include the needs of food, clothing, fuel, utilities, chore service and personal need and incidentals. Each ANFC family group is budgeted as a separate assistance group within the household. Fuel and utility allowances are deducted by using the "value of furnished items table" when the ANFC recipient is under age 21 and living with her parents or the parents of the eligible child's father. Any ANFC recipient serving as a housekeeper in someone else's home shall have fuel and utilities "broken out" from the basic standards.

BASIC NEED STANDARDS - ANFC

No. in Assistance Group	No. In Household							
	1	2	3	4	5	6	7	8 or more
1	91	87	86	84	82	81	81	81
2		137	134	129	126	123	123	123
3			185	179	174	169	169	169
4				223	218	210	210	210
5					264	254	254	254
6						295	295	295
7							336	336
8								376
9 or more	Add \$40 for each person over 8 in assistance group							

FURNISHED ITEMS TABLE - ANFC

Item	No. In Household		
	1- 3	4-5	6 or more
Food Per Person	36	32	29
Clothing Per Person	7	7	7
Fuel Only Per Person	8	5	3
Utilities Only Per Person	4	2	2
Fuel and Utilities Per Person	12	7	5

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11. NEED STANDARDS - HOUSEHOLD OR HOUSING UNIT cont.11.3 SHELTER STANDARDS - HOME OWNERSHIP AND RENTALS - ALL PROGRAMS

Recurring shelter expense for maintaining a home is included as paid up to the limits indicated. Emergency repairs, including replacement of equipment, may be included as a special need (See section 2220-22). Shelter is either pro-rated for sharing purposes or included in full up to the maximums. No allowance for shelter may be included for an ANFC recipient under age 21, who lives with her own parents or the parents of the eligible child's father. A recipient serving as a "housekeeper" in someone else's home shall not have shelter included. Whenever the cost of shelter is shared, the recipient's share shall not exceed the recipient's pro-rata share of the maximum shelter allowance.

A mobile home which is rented is considered furnished or unfurnished using the same criteria as for any rented housing. Rented housing to qualify as furnished when utilities and/or fuel is not provided must provide essential items of furniture necessary for eating and sleeping. The maximums set forth herein include all real estate taxes, lot rentals, municipal charges, mortgage payment, fire insurance on dwelling or contents and any expense for purchase and transportation of water.

AABD

Home Ownership - \$85.00 a month.

Rental - Unfurnished - \$85.00 a month.

Rental - Furnished - and/or Heat and/or Utilities included \$120.00 a month.

ANFC*

Home Ownership - \$88.00 a month.

Rental Unfurnished - \$88.00 a month

Rental Furnished and/or Heat and/or Utilities include \$124.00 a month.

CHITTENDEN COUNTY ONLY*

Home Ownership - \$104.00 a month.

Rental Unfurnished \$104.00 a month.

Rental Furnished and/or Heat and/or Utilities included \$124.00 a month.

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211. NEED STANDARDS - HOUSEHOLD OR HOUSING UNIT cont.2211.3 SHELTER STANDARDS - HOME OWNERSHIP AND RENTALS ALL PROGRAMS cont2211.31 TEMPORARY ABSENCE FROM HOME

Where a recipient takes up residence in a hospital or nursing home, the District shall continue to pay expenses attributable to the maintenance of his former residence (not to exceed applicable standards) for a period not to exceed six months, provided that it appears at all times material more probable than not that the recipient will be discharged from such institution within such period and will immediately thereafter resume his former residence.

20. Special Needs - Housing and Daily Living

Certain special needs shall automatically be considered in determining eligibility. These are:

- Telephone
- Life Insurance Premiums
- Services of Legal Guardian or
Legal Representative
- Guide Dog (Blind Person)

Other non-recurring needs shall not be considered in determining eligibility and require consideration on an exceptional basis for decision as to approval or disapproval. These are:

- Home Repairs
- Household Equipment and Appliances

In ANFC telephone and life insurance premiums are recognized as special needs related to housing and daily living. Funding available is not adequate to fund these needs in ANFC. Therefore, where need exists, the recipients budget shall include the following allowances and a 100% ratable reduction shall be applied:

The need for home repairs (section 2221), household equipment and appliances (section 2222), is recognized as a nonrecurring, one-time need granted only when approved by the District Director or Commissioner by use of Form FS-205 "Request for Exception". Requests for such exceptions in ANFC will be disapproved based upon the application of a 100% ratable reduction factor.

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PART 2
11/1/7021 HOME REPAIRS

Safe, sanitary, and suitable housing for all individuals and families includes a reasonably sound structure which provides running water, indoor toilet facilities, and electricity plus protection from weather and freedom from hazards.

The cost of emergency repairs to homes owned by recipients to provide these basic elements of adequate housing may be allowed under the following conditions:

1. The condition of the home justifies the expense involved. (Determine whether the building is substantial and free from hazard and whether other quarters within shelter standards would better serve the client's needs).
2. The repair is necessary to prevent deterioration or to maintain the property in safe and suitable condition.
3. The allowance requested is based on a reasonable estimate of cost. Three written estimates shall be provided by the recipient except when it is impossible to obtain three estimated locally in which case, the lesser number obtained by the recipient will suffice. Estimated cost of home repairs must be substantiated and all requests involving an expense in excess of \$100.00 must have prior approval of the Commissioner by submitting Form FS-205. Requests for amount equaling \$100.00 or less must have approval of the District Director with a supporting copy of the FS-205 "Request for Exception" maintained in a district statistical file. See Section 2220 for ratable reduction factor applicable to ANFC case.

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2222. Household Equipment and Appliances

Basic equipment and appliances essential to household living arrangements means heating equipment, hot water heaters, stoves, refrigerators, washing machines and furniture necessary for eating and sleeping.

The cost of necessary repairs, emergency replacement or initial purchase of these items may be allowed for recipients who are maintaining a household (owned or rented) under the following conditions:

1. Feasibility of repair has been thoroughly explored and evaluated considering current value and condition of equipment, anticipated useful life, etc., in relation to cost of replacement.
2. Purchase is necessary to establish a home or required by a change of housing (e.g., move from furnished to unfurnished apartment).
3. Recipient has explored all reasonable resources for initial or replacement items (e.g., relatives, Salvation Army, secondhand stores, etc.).
4. Allowance is based on reasonable estimate of cost by three local vendors where practicable. When three written estimates cannot be obtained by the recipient, the maximum number obtainable shall be acceptable.
5. Purchase of new equipment is not allowed.

Cost of repairs to equipment or appliances and for initial or replacement purchase, as supported by documentation in the case record, must have the prior approval of the Commissioner on Form FS-205 if the cost of such exceeds \$100.00. Costs equaling \$100.00 or less must have the prior approval of the District Director with a supporting copy of the FS-205 "Request for Exception" maintained in a district statistical file. See section 2220 for ratable reduction factor applicable to ANFC cases.

Telephone.

When the recipient has a telephone, the lowest party-line telephone rate available, plus tax and mileage may be allowed in the following circumstances.

1. Client lives alone, is head of the household, or shares expenses.
2. No legally liable relative, financially able to assume the cost, or no other non-assistance family is in the household.

No allowance may be made for toll charges.

See section 2220 for ratable reduction factor applicable to ANFC cases.

Life Insurance Premiums.

The actual cost of premiums for recipient owned life insurance may be included up to the following maximum allowances per month:

1. AABD clients, ANFC parents - \$3.00 per person.
2. ANFC children - \$1.04 per child.

For fraternal insurance and death benefits in effect in some lodges, societies, and clubs, dues may be allowed within the above limitations.

Life insurance premiums may be continued in ANFC for a period not to exceed one year where a parent or child is absent temporarily from the assistance group (e.g., patient at Vermont State Hospital or a nursing home, incarceration).

Premiums may not be allowed in the following circumstances:

1. Premiums are paid by someone else.
2. Premiums for insurance of either parent who has deserted.

See section 2220 for ratable reduction factor applicable to ANFC cases.

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5. Services of Legal Guardian or Legal Representative

Five percent (5%) of the monthly assistance grant required to meet all other basic and special needs may be included as payment for services of a legal guardian or legal representative appointed by the probate court upon petition of the Commissioner, except when the person appointed is a legally liable relative (spouse, parent or child) of the client. (See also sections 2440-2449.)

6. Guide Dog (Blind Persons only)

If a guide dog is essential for a blind person, the following expenses may be included:

1. Reasonable cost of food, as established with the client,
2. License:
3. Cost of harness, including necessary repairs;
4. Medical expenses, if necessary.

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2240. Special Needs - Education and Preparation for Employment (ANFC only)

Children and adults in ANFC families may have special expenses related to obtaining education and preparing for employment. Educational or training expenses include the following:

- Transportation
- Tuition (Public high school only)
- Special needs - work incentive program

2241. Educational Allowance

1. High school freshmen and sophomores - \$2.00/mo.
2. High school juniors and seniors and/or students in college, university, vocational, or technical training schools - \$5.00/mo.

In ANFC the need for educational allowances for students is recognized. Funding available is not adequate to cover these needs, therefore, where need exists the recipients budget shall include the following allowances and a 100% ratable reduction factor shall be applied.

2242 Transportation

When the school or school district does not furnish transportation and when all other students in the immediate vicinity, whether attending public, private, or parochial schools, must pay for their own transportation, the cost of transportation to school shall be included.

Transportation cost shall be computed for a 36-week period, regardless of actual length of school year, and pro-rated over twelve months. Transportation furnished by parents using their own car shall be based on a reasonable estimate of mileage at 8¢ per mile not to exceed two round trips daily.

2243. Tuition

Payments shall be limited to high school attendance, only as specified below.

When a town does not, due to statutory limitation, authorize the full payment for tuition, an allowance shall be included for payment of the tuition deficit. This does not apply to parochial, vocational, or technical schools or educational institutions beyond the high school level.

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44. Work Incentive Program

Individuals enrolled in the WIN Program have special expenses directly related to their participation in a work training program. The following allowances shall be included for individuals enrolled in the WIN Program as needed and for as long as participation in such program is required.

2244.1 Transportation

Transportation allowance shall be included as a special need item for recipients while enrolled in the WIN Program and receiving training or education other than On The Job Training. This will be included on a "as paid" basis using common carrier or riding with someone else. For such enrollees who own cars, a mileage allowance will be computed at the rate of 8¢ per mile. Once employed (including OJT) a WIN enrollee shall be authorized the employment expense allowances stipulated in Section 2254.32.

2244.2 Child Care

Child care allowance as stipulated in section 2254.32 is allowed as a special need for recipients enrolled in the WIN Program receiving training and education and for whom substitute care of children is required.

2244.3 Standard Allowance

A standard allowance to cover such special training needs as extra clothing, grooming aids, lunches, etc. shall be included up to \$24.00 per month with the actual amount of standard allowance dependent upon the number of hours per week the enrollee is participating in a WIN Training Program. The following table shows the amount to include by week or month based on hours per week in training.

<u>HOURS PER WEEK</u>	<u>ALLOWANCE PER MONTH</u>	<u>PER WEEK</u>
Over 35	24.00	5.50
25-35	17.00	4.00
15-25	12.00	2.50
Under 15	6.00	1.50

Once employed, including OJT, a WIN enrollee shall be authorized the employment expense allowances stipulated in section 2254.32.

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254. Earned Income-cont.2254.3 Expenses Allowed2254.31 Business Expenses (Self-Employment Only)

Business expenses, which are deducted from gross receipts to determine gross earned income, are limited to operating costs necessary to produce cash receipts. Depreciation and/or expenditures to increase capital assets are not allowed, except as part of an approved plan of a blind or disabled individual to achieve self-support.

Tax returns and/or business records are considered appropriate sources of accurate figures for farm or business receipts and expenses.

A household furnishing board and room to four or more lodgers and/or boarders is considered a commercial boarding house. Gross earned income is computed, as for any other business, by comparison of operating costs to gross receipts.

Exception: No computation is required for foster homes furnishing boarding care to 4 or more children in custody of and placed by the department (Child Welfare Division). Department board rates are established to cover expenses only with no profit available; therefore, no earned income is considered available from this source.

The following standard deductions for business expense of furnishing board and room, alone or as part of custodial care, to less than four lodgers and/or boarders simplify computation for such more informal arrangements:

Room only	\$25 per person
Board only	\$50 per person
Board and room	\$75 per person

54. Earned Income -- cont.2254.3 Expenses Allowed -- cont.2254.32 Employment Expense

The following standard allowances, which recognize mandatory deductions and other expenses of persons employed outside the home, except child care, simplify computation of net available earned income: These allowances are utilized for both WIN and non-WIN employed individuals.

Full-time employment outside home (35 hours per week or 20 days per month).
\$40 per month.

Part-time employment outside home (8 hours per week, but less than 35 hours per week, 4 days per month, but less than 20 days per month).
\$20 per month.

When the parent is receiving WIN training or WIN education or is employed (including OJT) and his child(ren) require day care services, the District shall advise such parent of the existence of local day care services under contract to OEO or the Department. If day care placement in such facilities is made by the parent, no allowance shall be included in the recipients budget for day care service, as such contracts require direct payment by the State. When the parent is unwilling to enroll his child(ren) in such facilities, or if no spaces are locally available, the District shall budget day care allowances in accord with the child care expense provisions as set forth below. Child care expense is allowed as paid up to the following maximums.

1. Actual cost, up to \$20 per week, for care of legally dependent children, either in their own home or outside the home.
2. Cost of transportation of the child(ren) by client to and from a child care facility, if needed, as follows:
 - A. Actual cost of public transportation or car pool:
 - B. Round trip mileage at 8¢ per mile for use of personal car, not to exceed 20 miles round trip per day.
3. Cost of meals furnished regularly to person furnishing child care in client's home as follows:

Breakfast 40¢

Lunch 55¢

Dinner 75¢

PLAINTIFF'S EXHIBIT # 2

211. Household or Housing Unit - cont.2211.3 Shelter

Recurring shelter expense for maintaining a home, is included as paid up to the limits indicated (sections 2211.31-2211.34). Emergency repairs, including replacement of equipment, may be included as a special need (see sections 2220-29). No allowance for shelter may be included for an ANFC recipient under age 21 who lives with her parents.

2211.31 Home Rental1. Rent

Rent as paid up to the following maximums:

AAFD

\$85.00 per month, unfurnished and unheated.

\$120.00 per month, furnished and/or heat and/or utilities included.

ANFC

All areas except Chittenden County

\$88.00 per month, unfurnished and unheated.

\$124.00 per month, furnished and/or heat and/or utilities included.

Chittenden County only

\$104.00 per month, unfurnished and unheated.

\$124.00 per month, furnished and/or heat and/or utilities included.

Exceptions to the above maximums in special circumstances may be allowed with the approval of the Director of Family Services.

2. Insurance

Current cost of fire insurance, including coverage for smoke damages, or household contents.

3. Water Rent, Purchase and/or Transportation

Current cost of water rent; if client finds it necessary to purchase water and/or pay for transportation of water, actual cost.

2211. Household or Housing Unit - cont.2211.3 Shelter - cont.2211.32 Special Rental Agreements

A special agreement with the Brattleboro Housing Authority, set forth in a letter to the Commissioner dated May 11, 1966, and revised effective 4/1/70, provides for rental payment of \$50.00 per month for individuals and families receiving assistance. This includes: heat, energy for lights, cooking and refrigeration, rubbish and garbage collection, and maintenance, but not telephone or cable TV.

A special agreement with the Rutland Housing Authority, set forth in a letter from the Deputy Commissioner to the Director of the Housing Authority dated June 17, 1968, provides for rental payment of \$50.00 per month for individuals and families receiving assistance. This includes stove and refrigerator, heat, electricity, rubbish and garbage collection, and maintenance.

2211.33 Home Ownership

The right to home ownership is recognized and protected as far as possible for applicants who are home owners prior to the receipt of assistance. The purchase of homes by recipients is not authorized except in unusual circumstances and only with the approval of the Director. The following recurring items of home ownership expense are included as paid, up to the limits indicated.

1. Taxes, sewer and/or other municipal assessments, mortgage principal and/or interest

Amounts, as paid, for the above items are included up to the following maximums for the total paid for these items:

AAHD (all areas).....	85.00 per month
ANFC (all areas except Chittenden County)	88.00 per month
ANFC (Chittenden County only)	104.00 per month

Exceptions to the above maximums in special circumstances may be allowed with the approval of the Director of Family Services. "Taxes" include current real estate taxes and any back taxes incurred prior to receipt of assistance and actually being paid.

"Sewer, water and/or municipal assessments" includes current cost of sewer charges and/or any other special assessments levied by a governmental body.

"Mortgage principal and/or interest" includes payments actually being made on mortgage principal and/or interest.

2. Insurance

Current cost of insurance for the protection of buildings, contents or personal liability.

3. Purchase and/or Transportation of Water

If client finds it necessary to purchase water and/or pay for transportation of water, actual cost.

PLAINTIFF'S EXHIBIT # 3

DEPARTMENT OF SOCIAL WELFARE

9011

DATE November 15, 1971

ATTENTION GENERAL

MEMO TO: Marty Miller

FROM: B. Smith, ANFC Program Director

RE: Shelter Exceptions

Rec'd NOV 16 1971

Rm'd To

File In

Under an agency regulation effective November 1, 1971 exceptions to shelter were deleted.

At the point of deleting exceptions, I found that out of 3,166 ANFC cases in which need for shelter was budgeted that we had 159 cases in which budgeting was by exception in excess of standards.

In other words, exceptions were actually made statewide in 5% of the cases. The actual tally by district showing cases budgeted for shelter and exceptions made to the budgeted figure were as follows:

<u>District</u>	<u>Number of Cases Budgeted</u>	<u>No. of Cases with Exceptions</u>
Bennington	228	10
Brattleboro	172	3
Burlington	458	31
Hartford	177	7
Middlebury	142	7
Montpelier	254	9
Morrisville	149	10
Newport	125	3
Rutland	340	5
St. Albans	297	22
St. Johnsbury	153	1
Springfield	320	17
Model Cities	106	10
North Street	245	24
TOTALS	3166	159

MS/neb

Cost of Housing as a Component of ANFC Grant - History of Changes

Transmittal Letter 519

Effective 7/1/66

Rent included as paid (If unreasonable, client urged to seek different housing).

Transmittal Letter 561

Effective 7/1/67

Maximum imposed on cost of rental housing - \$85 (\$100 in Chittenden County). (Applied to shelter portion only if heat and/or utilities included).

Transmittal Letter 583

Effective 12/1/67

Maximum established for furnished and unfurnished rentals:

	<u>State</u>	<u>Chittenden County</u>
Unfurnished	\$ 85	\$100
Furnished	\$120	\$120

Bulletin 70-16

Effective 5/1/70

Established revised rental maximums:

	<u>State</u>	<u>Chittenden County</u>
Unfurnished	\$ 88	\$104
Furnished	\$124	\$124

PLAINTIFF'S EXHIBIT # 4

DATE October 20, 1971

p# 2

TO: Marty Miller, Assistant Attorney General

cc: Bert N. Smith, ANFC Director

Rent Survey - ANFC Program Chittenden County Vs. Rest of State

utilizing a sample size from the recent ANFC desk review (9/1/71) which would provide us a 95% confidence level that results would be within 5% (plus or minus) of a 100% sample, the findings on pure rent were as follows:

	<u>Chittenden County</u>	<u>Rest of State</u>
Average Rent	\$ 92	\$66
Median Rent	\$100	\$75

Current statewide applicable maximums for ANFC Budgeting:

<u>Chittenden County</u>	<u>Rest of State</u>
\$104	\$88

S/neb.
: J. W. Pettit
V. Bellini
E. Cashman

PLAINTIFF'S EXHIBIT # 5

VERMONT DEPARTMENT OF SOCIAL WELFARE + for r.c.

MAR 17 1971

Memo to: Charles Bristow, Deputy Attorney General
 From: **EXR** Ed Pirie, Chief of Welfare Research and Statistics
 Re: Clarification of Shelter Maximum Updating

- Sources: (1) "Three Standards of Living", Bureau of Labor Statistics, U.S. Department of Labor, Bulletin # 1570-5
 (2) "Preliminary Summary of the Spring 1969 Cost Estimates for the Lower Budget for a 4 Person Family", Bureau of Labor Statistics, U.S. Department of Labor
 (3) "Statistical Abstract of the United States 1969", Bureau of the Census, U.S. Department of Commerce
 (4) "Family Economics Review", Agricultural Research Service, U.S. Department of Agriculture

The first two publications were used for comparing costs of consumption for a 4-person family with a lower living standard in a non-metropolitan area (places with 2,500 to 50,000 population). The second two publications were used for comparing cost of living indexes from the Consumer Price Index.

Cost of consumption-Housing-spring 1967	\$1,179
-rent	\$889
-household furnishings & operations	290

Consumer Price Index-household furnishings & operations

May, 1969	117.4	9.2	
1967	108.2	108.2	= 8.5% increase
	9.2 point increase		

\$290 household furnishings & operation - spring 1967
 8.5% increase in Consumer Price Index - 1967 to May, 1969
 \$ 25 dollar increase in cost of household furnishings & operations - 1967 to May, 1969

\$290 + \$25 = \$315 cost of household furnishings & operations - spring 1969

Cost of consumption-Housing-spring 1969	\$1,235
-household furnishings & operations	315
<u>cost of rent - spring 1969</u>	<u>\$ 920</u>

Rent - spring 1969	\$920	\$ 31	
Rent - spring 1967	889	\$889	= 3.5% increase in rent - spring 1967 to spring 1969
amount of increase	\$ 31		

\$ 85 X 3.5% = \$2.98 or \$ 85 + \$3 = \$ 88)
 \$100 X 3.5% = \$3.50 or \$100 + \$4 = \$104) updated rent maximums

AVERAGE AND MEDIAN RENTALS PAID BY AID TO NEEDY
FAMILIES WITH CHILDREN RECIPIENTS - APRIL, 1969

STATEWIDE BY FAMILY SIZE

Number in Family	2	3	4	5	6	7	8 or more	All Families
Average Rent	\$52	\$60	\$67	\$75	\$64	\$78	\$58	\$62
Median Rent	55	60	60	73	63	78	50	60

BY DISTRICT

DISTRICT	BENNINGTON	BRAintreeBORO	BURLINGTON	HARTFORD	MIDDLEBURY	MONTPELIER	MORRISTVILLE	NEWPORT	RUTLAND	S. T. ALBANS	S. T. JOHNsbury	SPRINGFIELD
Average Rent	\$63	\$52	\$84	\$47	\$57	\$67	\$66	\$49	\$58	\$52	\$52	\$53
Median Rent	65	55	87	40	66	65	70	50	58	50	51	57

COMPARISON - CHITTENDEN COUNTY AND REMAINDER
OF STATE

	Chittenden County	State Less Chittenden County
Average Rent	\$84	\$56
Median Rent	87	55

All data obtained from a 20% random sample of the April, 1969 caseload. Rent figures are for those families whose rent payment is "pure" rent and does not contain allowances for fuel, utilities, etc.



STATE OF VERMONT
FAMILY ASSISTANCE PROGRAM PLANNING
1 WEST STREET
MONTPELIER
05602

December 3, 1970

MEMO TO: Commissioner J. W. Betit
FROM: George J. Carcagno, FAP Planning Director
RE: Characteristics of the ANFC Caseload

Our planning related to the state supplemental program under FAP dictates that we be as knowledgeable as possible regarding the current characteristics of Vermont's ANFC program population. For this reason we have analyzed a ten percent sample of the "pink sheets" (360 cases in which the case number ended in 0) prepared in the Department's district offices at the time of the recent desk review implementing 100% funding of the basic needs standard.

In some particulars the information we have available on the current caseload is also available from previous Vermont surveys (a 20% sample drawn in April of 1969 and a 10% sample in May of 1970). To the extent possible we have noted these comparisons in our findings which follow. In all cases in which the number of cases effected is noted, that number is related to the November 1 caseload.

GJC:hg

Attachment

CC: FAP Planning Staff
V. Bellini
J. O'Rourke
E. Pirio
B. Smith ✓

B

1. AVERAGE SIZE OF THE ASSISTANCE GROUP:

5/70 - 3.59
11/70 - 3.79

2. EMPLOYMENT OUTSIDE THE HOME:

a. Full Time (more than 35 hours per week or 20 days per month)

	<u>Percent</u>	<u>Avg. Gross</u>	<u>Avg. Net</u>
4/69	12	NA	NA
5/70	13.3	\$296	\$89
11/70	16.0	313	101

b. Part Time

4/69	10.6	NA	NA
5/70	7.5	\$136	\$47
11/70	6.7	126	45

c. Employment-related paid child care

	<u>Percent of those working who pay for child care</u>	<u>Avg. Cost</u>
5/70	52	\$63.18
11/70	45	69.00

3. UNEARNED INCOME:

	<u>Percent</u>	<u>Avg. per case</u>
5/70	25.0	\$114
11/70	24.2	113

4. SHELTER EXPENSE (owned or rented) by assistance group size
(cases in which shelter expense included payment for fuel or
utilities were excluded as were free shelter arrangements): -

MAY, 1970

No. in assistance group	1	2	3	4	5	6	7	8 or more	All Families
Average	\$23	\$60	\$62	\$74	\$66	\$68	\$78	\$59	\$64
Median	19	57	57	68	65	66	85	58	65

NOVEMBER, 1970

Average	39	69	68	70	72	75	62	63	69
Median	26	74	70	72	75	77	59	68	72

5. SHELTER EXPENSE (owned or rented) for Chittenden County and for Vermont minus Chittenden County (cases in which shelter expense included payment for fuel or utilities were excluded as were free shelter arrangements):

	<u>Chittenden County</u>		<u>Vermont minus Chittenden County</u>	
	<u>5/70</u>	<u>11/70</u>	<u>5/70</u>	<u>11/70</u>
Average - all families	\$81	\$89	\$60	\$63
Median - all families	89	100	60	67

- 5.a. Percentage of families whose shelter payment includes cost of fuel or utilities and the average dollar amount deducted from the basic allowance to offset these furnished items:

	<u>Percent</u>	<u>Dollar Amount</u>
5/70	27	\$20
11/70	33	20

6. FOOD STAMPS: (Data relates to ANFC recipients only)

- a. Participation by household size

<u>MAY, 1970</u>								
Size	1	2	3	4	5	6	7	8 or more
Percent	100	60	60	52	58	45	78	57
								All Families
								56
<u>NOVEMBER, 1970</u>								
Size	1	2	3	4	5	6	7	8 or more
Percent	100	55	62	69	65	71	64	61
								All Families
								64

NOTE: The small number of cases involved accounts for anomalies such as 100 percent participation by families of one and apparent low participation in May by families of six. The point made here, however, is there is no striking difference in Food Stamp Program participation as ANFC family size changes.

- b. Food Stamp Bonus Per Person by Household Size

Size	1	2	2	4	5	6	7	8 or More
Bonus	10	10	7	8	8	8	6	8
								All Families
								8

- c. Under FAP, ANFC payments would be considered as income for food stamp eligibility determination purposes. 5.2% of the present ANFC food stamp participants who are not employed would no longer be eligible, i.e., their ANFC payments plus their unearned income (where applicable) exceeds the food stamp eligibility limit. There would be 90 cases such as this as of November 1, 1970. In addition, at least another 80 cases not now participating but eligible under current rules would become ineligible. For a large number of non-participating families no determination could be made as they were a part of NPA households and eligibility would be contingent upon the income of other household members.
- d. The food stamp eligibility of employed ANFC recipients under FAP would depend upon how net earned income was determined. If the \$720 a year FAP work expense plus child care were deducted from gross income, then 65% of the present employed ANFC food stamp participants living in pure PA households would no longer be eligible. There would be some 240 cases such as this as of November 1, 1970. In addition, some 130 ANFC families with earnings not now participating but eligible under current rules would become ineligible. Again, no determination could be made for non-participating ANFC families in NPA households.

7. CASES IN WHICH THE BASIC ALLOWANCE IS REDUCED BECAUSE HOUSEHOLD GROUP SIZE IS LARGER THAN THE ASSISTANCE GROUP:

	<u>Percent</u>	<u>Avg. Dollar Reduction Per Case</u>
5/70	34	\$18.00
11/70	34	7.52 *

* The difference between the November and May figures is accounted for by the regulation changes which went into effect 11/1/70.

8. 4.2% of caseload (some 150 cases) still have special needs included in grant. These average \$49 per case but the median falls to \$18 per case.

9. AVERAGE BUDGETED NEED BY ASSISTANCE GROUP SIZE:

<u>Assistance Group</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8 or more</u>
5/70	\$89	\$174	\$228	\$272	\$298	\$344	\$378	\$437
11/70	112	198	249	288	324	362	391	460

10. AVERAGE ANFC PAYMENT PER RECIPIENT:

10/70 = \$53.64

11/70 = 58.39

NOTE: The October average payment is smaller than that shown by DSW because the above figure does not include the special "non-recurring need grants" made in the district offices during October. The November figure is also understated, though for a different reason. It does not include any increases made for November for reasons other than the 100% funding of the basic standard. The significance of these two average payment figures is the difference between them. The difference, \$4.75, represents the average cost per recipient month of moving to 100% of the basic standard (\$3.81) and liberalizing the allowances for assistance groups smaller than the household size (\$.94).

11. NUMBER AND PERCENTAGE OF FAMILIES WHO RECEIVED INCREASES AND DECREASES FOR NOVEMBER:

	<u>Number</u>	<u>Percent</u>	<u>Average \$ Amt.</u>	<u>Median</u>
Increases	3400	94.4	\$20	\$19
Decreases	150	4.2	18	19
Unchanged	50	1.4	-	-

12. NUMBER AND PERCENTAGE OF FAMILIES WHO HAD SPECIAL EXCEPTIONS REMOVED AND AVERAGE DOLLAR AMOUNT REMOVED:

<u>Number</u>	<u>Percent</u>	<u>Average \$ Amt.</u>
150	4.2	\$.31.50

13. NUMBER AND PERCENTAGE OF FAMILIES WHO HAD SPECIAL NEED ITEMS REMOVED AND AVERAGE DOLLAR AMOUNT REMOVED:

<u>Number</u>	<u>Percent</u>	<u>Average \$ Amt.</u>
2230	62	\$7.00



STATE OF VERMONT
FAMILY ASSISTANCE PROGRAM PLANNING
1 WEST STREET
MONTPELIER
05602

October 13, 1970

MEMO TO: Vas Bellini
FROM: Paul Philbrook
RE: November 1 ANFC Desk Review

We will be tabulating the information specified below from a 10% sample of the ANFC caseload. Information in which you are interested can be made available upon completion of our study.

1. Location.
2. Assistance Group Size.
3. Household size.
4. Shelter expense.
5. Special needs - \$ amount.
6. Amount of furnished items.
7. Total budgeted need.
8. Difference between October and November grant.
9. November grant.
10. Income:
 - a) Gross earned.
 - b) Amount exempted.
 - c) Amount of employment expense.
 - d) Amount of child care.
 - e) Net earnings.
 - f) Amount of unearned income.
 - g) Net income available.
11. Amount of special needs removed.
12. Amount of shelter exception.
13. Amount of fuel exception.
14. Amount of other exception.
15. Food stamp participant (yes-no).
16. Food stamp bonus.
17. Food stamp eligibility:
 - a) Using "Net for issuance".
 - b) Using "Balance".
 - c) Using "Total Gross Income" less \$40, less child care.
 - d) Using "Total Gross Income" less \$60, less child care.
 - e) Using "Net requirements" less amount exempted, less employment expense, less child care.

Issued as
Bulletin NO. 70-10
Transmitted 4/25
1953 rate 3/25/60

March 4, 1970

Mr. Neil P. Fallon
Regional Commissioner
Social and Rehabilitation Service
Department of Health, Education and Welfare
John Fitzgerald Kennedy Federal Building
Boston, Massachusetts 02203

Dear Mr. Fallon:

The attached draft manual pages reflect Vermont's method of complying with the requirement to update ANFC standards to July 1, 1969 using methodology described below.

Household Combined Standard for Basic Items (except shelter)

All updating was based on the Consumer Price Index (1957-59=100). National tables were used as regional tables were not available. The items in the Standard were related to the following items in the CPI:

Food	-	Cost of food at home
Clothing	-	Apparel and upkeep
Fuel	-	Fuel oil and coal
Utilities	-	Gas and electric
PNI	-	Personal care, reading and recreation
Chore Service	-	Transportation and household operation

One figure of percentage increase each for PNI and Chore Service was calculated from weighted averages of the included items using the relative weights assigned to them as printed in the Bureau of Labor Statistics publication "The Consumer Price Index (revised January 1964) - A Short Description".

The items in the Standard were updated from the following points in time:

Food	-	3/66	8.2% increase
Clothing	-	12/53	27.5% "
Fuel	-	1/65	11.5% "
Utilities	-	1/65	3.2% "
PNI	-	12/53	28.2% "
Chore Service	-	12/53	22.4% "

The index numbers for the years to be updated from were used, and obtained from the "Statistical Abstract of the United States" and the index numbers for June, 1969 were used to represent July 1, 1969 and were obtained from the "Family Economics Review".

The percentage increase in the CPI for the various items were applied to the current AFDC standard to arrive at an adjusted standard for July 1, 1969.

Ratable reduction of 89.5% was applied to adjusted standard to compute payment table.

Shelter Maximum

The adjustment in cost of the shelter maximum has been computed from the Spring of 1967 through the Spring of 1969. Sources of the pricing are 1) Three Standards of Living, Bureau of Labor Statistics, U.S. Department of Labor, Bulletin #1570-5; 2) Bureau of Labor Statistics, U.S. Department of Labor, Preliminary Summary of the Spring 1969 Cost Estimates for the Lower Budget for a 4-Person Family. These costs are related to the non-metropolitan areas and represent the lower budget level of living. All families within the lower budget level are assumed to be renters. The annual housing component for the lower budget level for Spring 1967 for non-metropolitan areas was \$1,179. Of this amount \$290 represented the cost for house furnishings and household operation, representing approximately 25% of the total housing component. The housing costs as of the Spring of 1969 was \$1,235, an annual increase of \$56 for the total housing component or 4.7%. We have assumed that since the original housing component included 25% for costs other than rent that 75% of this 4.7% rent increase represented a rental increase, or a 3.5% increase in the cost of rent from Spring 1967 through Spring 1969. The current shelter maximums are \$85 and \$100 for pure rent, thus the updated shelter maximums would be \$88 and \$104, respectively. The furnished rental would increase from \$120 to \$124.

Updating the shelter maximums is being done under protest. It seems to me to be an unreasonable requirement. Attached is a copy of our findings as to shelter costs of AFDC recipients just about one year ago. It seems to me those median figures document the adequacy of our present AFDC shelter maximum. As our plan material indicates (see Section 2211.33) we have provision for exception to our shelter maximum. With that safety valve available to cover the hardship case, I see no reason why we should be required to increase the shelter maximums. During calendar 1969 our records show that in only 55 cases was it necessary to grant an exception to our shelter maximum. Our average monthly caseload during this time period was approximately 3,000 families.

Combined Standard for Personal Items (Board and Room)

Updated clothing, personal incidentals and chore service components of the household combined standard for one person come to \$18. Ratable reduction of 89.5% results in a payment standard of \$16.

March 4, 1970

Fees, Assessments and Supplies (Special Need - Education)

The 9.1% increase from 7/1/67 to 7/1/69 was applied to these items as follows:

High school juniors, seniors, college, etc.

$\$5.00 \times 9.1\% = \5.46 - rounded off to $\$5.00$

High school freshmen and sophomores

$\$2.00 \times 9.1\% = \2.18 - rounded off to $\$2.00$

Updating requires no change in allowance for standard since we round to the nearest whole dollar amount.

Individual payments will be adjusted to include increases for the May 1st assistance checks; decreases will be adjusted with the next change of circumstances.

We are anxious to forward revised materials to our field staff so a desk review for May 1 adjustments can begin. With your agreement in principle to the approach outlined in this draft, we will officially transmit plan material with a 553.

Sincerely yours,

Paul R. Philbrook
Deputy Commissioner

PRP:hg

Enclosures

DEFENDANT'S EXHIBIT A

DEFENDANT'S EXHIBIT A

ANFC CASES	Approximate Numbers	
	Chittenden County	Entire State
Receiving Shelter Grant in September, 1970	961	3166
Total Number of ANFC Cases Receiving Shelter Grant Exceptions	77	159
Percentage of those Cases Receiving Shelter Exceptions	8	5

DEFENDANT'S EXHIBIT B

DEFENDANT'S EXHIBIT B

SHELTER AND SPECIAL NEEDS

ANFC EXPENDITURES AS OF NOVEMBER 1, 1970

	Total Dollars Monthly	Monthly Benefit Per Recipient*
<u>COSTS TO STATE</u>		
Total Cost of Raising Standard from 89.5% to 100% (11/1/70)	\$+80,003	\$+5.90
Total Cost of May, 1970 Shelter Update	2,650	.20
	<hr/>	<hr/>
Total Cost to the State	\$ 82,653	\$ 6.10
 <u>SAVINGS TO STATE</u>		
Shelter Exceptions Expenditures	\$ 3,754	\$.28
Total Special Needs Expenditures	\$ 18,486	\$ 1.40
	<hr/>	<hr/>
	\$ 22,240	\$ 1.68
	<hr/>	<hr/>
NET COST TO STATE	\$ 60,413	
NET INCREASE TO EACH RECIPIENT		\$ 4.42

*Based on 13,546 recipients

DEFENDANT'S EXHIBIT C

ANNEX "B"

Date October 14, 1970

MEMO TO: Commissioner Betit

FROM: *Ed* Ed Pirie, Chief of Research & Statistics

RE: Cost to pay 100% of AFDC Basic Standard

From the 25% random sample of AFDC cases in the November, 1967 Characteristic Study it was possible to determine the percentage of the caseload of each size assistance group for each size household. The September, 1970 caseload of 13,546 recipients was divided by 3.62 (average recipients per case) to arrive at an estimated 3742 cases for September, 1970. The percentages determined above were applied to these 3742 cases to estimate the number of cases of each size by household size. By use of the AFDC eligibility table (100% of basic standard) and payment table (69.5% of basic standard) it was possible to calculate the cost of the standard for both situations for September, 1970. It was not possible to allow for variations due to some of the basic items sometimes being furnished and sometimes being included in the rent.

Estimated cost of Standard from eligibilty table for
September, 1970

\$775,667

Estimated cost of Standard from payment table for
September, 1970

337,667

* Estimated cost to pay 100% of Standard for
September, 1970

\$ 30,003

Estimated monthly cost per recipient is $\frac{\$30,003}{13,546} = \5.906

Projected average monthly recipients for fiscal 1972 is 16,738 times
\$5.906 per recipient is \$98,654.62 per month times 12 is \$1,186,255
estimated cost to pay 100% Standard in fiscal 1972.

DEFENDANT'S EXHIBIT D

DEFENDANT'S EXHIBIT D

OVERALL ANFC PROGRAM EXPENDITURES IN 1970

	Chittenden County	Entire State	Per Recipient*
Total Amount Spent in			
ANFC Program	\$2,100,000	\$8,200,000	\$621 per year
Total Shelter Spent			
in ANFC Program	868,000	2,800,000	17.99 per month
Total Shelter Exceptions			
Spent in ANFC Programs (figures approximate)	25,700	45,000	.28 Per month
Percentages			
One to Three	.0005	(5/100 of 1%)	
Two to Three	.015	(1 1/2%)	
Percentages			
(Chittenden County)	One to Three	.012	(1.2%)
	Two to Three	.0296	(2.96%)

*Based on 13,202 recipients

DEFENDANT'S EXHIBIT E

DEFENDANT'S EXHIBIT E

FIRE INSURANCE SPECIAL NEEDS*

Number of cases in October, 1970	388
Total amount spent for month, October, 1970	\$2133.
Amount per actual case (388 cases)	5.50
Amount per case (Total caseload of 3763 cases)	.57
Amount per recipient (13,546 recipients)	.16

*Based on actual survey conducted by Department
of Social Welfare in October, 1970